

Functional Series 400: PERSONNEL

ADS Chapter 415 - CIVIL SERVICE TO FOREIGN SERVICE APPOINTMENT
PROGRAM

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Agreement to Continue Service: Conditions of Employment for Career
Foreign Service Employee

Agreement to Continue Service: Conditions of Employment for Time-
Limited Foreign Service Career Candidate Employee

Agreement to Continue Service: Conditions of Employment for Time-
Limited Foreign Service Non-Career Employee Assigned to an Overseas
Mission

5 CFR 531

Executive Order 10450

3 FAM 1900

Foreign Service Act of 1980, amended sections 301, 306, 307, 309, 310,
403, 404, 406, 610, 611, 612, 812, and 904

HB 30

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Functional Series 400: PERSONNEL
ADS Chapter 415 - CIVIL SERVICE TO FOREIGN SERVICE APPOINTMENT
PROGRAM

415.1 Authority

1. Foreign Service Act of 1980, as amended, Sections 301, 306, 307, 309, 310, 403, 404, 406, 610, 612, 812, and 904
2. 5 CFR 531
3. 5 USC 3597
4. Executive Order 10450, as amended

415.2 Objective

This chapter provides policies and essential procedures to enable USAID management to meet staffing requirements, that cannot be filled by the Foreign Service (FS) Open Assignment System, by appointing career Civil Service (CS) employees to FS positions.

415.3 Responsibility

1. The Deputy Assistant Administrator, Bureau for Management, Office of Human Resources (DAA/M/HR) is responsible for the following:
 - a) Providing oversight and evaluation of the operational aspects of the CS to FS appointment program;
 - b) Terminating, at any time, the appointment of an employee serving under a time-limited appointment other than for reasons of misconduct; and
 - c. Reviewing and deciding all requests for exceptions under the CS to FS Appointment Program.
2. The Bureau for Management, Office of Human Resources, Policy, Planning and Information Management Division (M/HR/PPIM) is responsible for determining the number and skill needs that may be filled under the appointment program.
3. The Bureau for Management, Office of Human Resources, Labor and Employee Relations and Performance Management Division (M/HR/LERPM) is responsible for negotiating with labor organizations issues pertaining to this chapter and scheduling employees for Selection Board reviews.

4. The Bureau for Management, Office of Human Resources, Personnel Operations Division (M/HR/POD), is responsible for the following:
 - a) Managing the CS to FS appointment program;
 - b) Determining, in consultation with M/HR/PPIM, the types of appointments (Non-Career, Career Candidate or Career) to offer and in what backstops;
 - c) Advertising FS career opportunities for USAID CS employees;
 - d) Reviewing and approving assessment criteria for senior and junior level FS positions developed by technical representatives in the Global and Regional Bureaus and other Agency management officials, for use by Technical Review Committees (TRCs) when rating applicants;
 - e) Determining eligibility and qualifications requirements of CS applicants;
 - f) Convening TRCs to assess and rank CS applicants;
 - g) Ensuring that TRCs members are representative of the Agency's workforce to the extent possible;
 - h) Developing and issuing selection certificates (CERTs);
 - i) Notifying applicants, in writing, of TRC and selection decisions; and
 - j) Working with successful applicants to effect their appointments to the Foreign Service.
5. Bureaus and Offices are responsible for the following:
 - a) Describing duties and skills of advertised positions;
 - b) Developing and submitting to M/HR/POD, assessment criteria for senior and junior level positions advertised under this program for use by TRCs when rating CS applicants;

- c) Identifying technical experts to serve on TRCs convened by M/HR/POD;
- d) Giving fair and full consideration to applicants referred for selection consideration; and
- e) Ensuring that the policies, procedures, and schedules of the Employee Evaluation Program are followed.

6. The Technical Review Committee (TRC) is responsible for:

- a) Conducting assessments of qualified applicants, consisting of a case study, an interview, and a review of the applicant's evaluation file;
- b) Providing applicants a brief description of the position and how it relates to the total mission strategy;
- c) Explaining the mechanics of the case study presentation and the interview segment of the assessment; and
- d) Ranking applicants upon completion of assessment procedures.

7. Employees are responsible for complying with the policies and essential procedures outlined in ADS Chapter 415.

415.4 Definitions (See GLOSSARY)

Annual Evaluation Form (AEF)
Backstop
Career appointment
Career Candidate
Non-Career employee
Reemployment Rights
Technical Review Committee (TRC)

415.5 POLICY

The statements contained within the .5 sections of this ADS chapter are the official Agency policies and corresponding essential procedures.

415.5.1 GENERAL PROVISIONS

- a) The priority in filling Foreign Service (FS) positions is with qualified and available FS employees.
- b) M/HR/POD, in consultation with M/HR/PPIM, shall decide the types of appointments, Non-Career, Career Candidate, or Career, to offer CS employees and in what backstops.
- c) CS employees receiving Non-Career FS appointments must be assigned to overseas positions only.
- d) CS employees receiving Career or Career Candidate appointments must be available worldwide.
- e) CS employees must be given Non-Career appointments no higher than class FS-01 and Career Candidate or Career appointments no higher than Class FS-02. No appointment shall be lower than Class FS-04.
- f) Non-Career employees at the FS-01 level, who want to change to Career Candidate appointments must change at the FS-02 level.

E415.5.1 General Provisions - N/A

415.5.2 ANNOUNCEMENT OF POSITIONS

When vacant FS positions overseas are advertised once, and there are no qualified FS candidates available to fill the vacancies, CS employees are permitted to apply for appointment consideration during the second advertisement. No appointments shall be offered to CS employees if there are qualified FS employees available for assignment in a particular position backstop. An exception to this policy may be made by the DAA/M/HR, in consultation with appropriate bargaining officials, based on the needs of the Foreign Service.

Overseas FS positions open for CS applications shall be announced on FS Open Assignment position listings or by separate announcements. If separate announcements are issued, the announcements may be open from 14 to 21 calendar days.

E415.5.2 Announcement of Positions - N/A

415.5.3 ELIGIBILITY

Career CS employees at grades GS-12 and above may apply for positions announced under the CS to FS appointment program.

CS employees interested in career or career candidate type appointments in the FS must apply before they reach age 59. It is expected that all employees appointed under the appointment program must complete at least two full tours of duty, exclusive of orientation and training, before reaching the FS mandatory retirement age of 65. **(See Mandatory Reference, Section 812 of the Foreign Service Act of 1980, as amended)**

E415.5.3 Eligibility - N/A

415.5.4 APPLICATION PROCEDURES

Applications must be submitted to the Bureau for Management, Office of Human Resources, Personnel Operations Division on or before the closing date of each announcement. Any one of the applications for employment, e.g., resume, Form SF-171, Application for Federal Employment, or Form OF-612, Optional Application for Federal Employment, is acceptable, as long as the submission covers the information required to assess eligibility and qualifications. **(See Forms SF-171 and OF-612)**

E415.5.4 Application Procedures - N/A

415.5.5 QUALIFICATIONS

To qualify, employees must possess professional experience at a level appropriate to the position being filled. Two years of this experience must have been with USAID.

E415.5.5 Qualifications - N/A

415.5.6 TECHNICAL REVIEW COMMITTEE

A Technical Review Committee (TRC) is convened by the Chief, M/HR/POD, to review technical qualifications, assess competencies, and make recommendations concerning the appointment of CS applicants. The TRC, under the direction of the Chairperson, reviews written materials and conducts personal interviews prior to making appointment recommendations.

E415.5.6 Technical Review Committee

a. The Technical Review Committee shall explain the three-part technical review process, which includes a case study, interview, and a review of the applicant's evaluation file. The entire process, as follows, shall not exceed a two-hour period. The three-part technical review process includes the following:

- 1) Case study. Applicants will be given one hour to read a case study and prepare written responses to all questions asked. Once completed, applicants must submit their responses to the TRC for review. Applicants will be required to discuss their presentation and answer any questions posed by the TRC. From the applicant's responses, TRC members will assess the applicant's analytic capacity, operational and organizational abilities, and written communication skills.
- 2) Interview. A structured question and answer session is conducted by the TRC. The interview will assess the applicant's technical qualifications, oral communication skills, interpersonal skills and characteristics, including management capability/potential, and suitability for work in USAID's Foreign Service.
- 3) Evaluation file review. TRC members will review the evaluation file of each applicant to assess the quality and relevance of the applicant's background, e.g., education and training, experience, and past performance, for the backstop for which the applicant has expressed an interest.

b. Immediately following the interview, each TRC member rates and scores each applicant in a range from 0-100 points in the following competencies:

1. Interpersonal Skills (0-15 points);
2. Organizational Skills (0-10 points);
3. Management Skills (0-10 points);
4. Oral/Written Skills (0-20 points); and
5. Demonstrated Knowledge/Ability (0-45 points).

Each TRC member will submit individual score sheets to the Chairperson who will provide a written summation of the assessment, including the final

score. If members differ in individual assessments by 10 points or more, the Technical Review Committee will discuss their differences and by consensus reach agreement on the assessed competency. A minimum score of 80 points must be achieved by an applicant for further consideration.

415.5.7 TYPES OF APPOINTMENTS

The three types of appointments that may be offered to applicants under this program are Non-Career, Career Candidate, and Career. The type and duration of the appointment offered must be based on the needs of the Agency. **(See Mandatory References, sections 301, 306 and 309, FSA of 1980, as amended)**

E415.5.7 Types of Appointments - N/A

415.5.7a NON-CAREER APPOINTMENTS

Non-Career appointments are appropriate for positions that require skills linked to short-term USAID overseas staffing needs.

Non-Career appointments are time-limited, not to exceed five years in duration.

Non-Career employees are not eligible to participate in the FS Open Assignment System and are not required to be available worldwide. **(See Mandatory Reference, section 309, FSA of 1980, as amended)**

E415.5.7a Non-Career Appointments - N/A

415.5.7b CAREER CANDIDATE APPOINTMENTS

Career Candidate appointments are appropriate for positions that require skills linked to long-term USAID FS staffing needs.

Appointments are time-limited not to exceed a total of five years.

Appointees must certify their availability for worldwide assignment and service. **(See Mandatory Reference 306 of FSA of 1980, as amended)**

E415.5.7b Career Candidate Appointments - N/A

415.5.7c CAREER APPOINTMENTS (REAPPOINTMENTS)

A CS employee, who was a former FS Career employee, may be reappointed as an FS Career employee without tenure review by a Selection Board provided the employee meets all USAID requirements and conditions specified for Career appointment. These conditions include a successful TRC assessment, a successful language proficiency test, and medical and security clearances.

Appointees must certify their availability for worldwide assignment and service.

E415.5.7c Career Appointments (Reappointments)

Employees not meeting the required foreign language proficiency, at the time of approval, must be given limited Non-Career appointments. Upon meeting the language proficiency requirement, employees are reappointed as a Career employees of USAID's Foreign Service.

415.5.8 CHANGE IN LIMITED APPOINTMENT

A Non-Career appointee may request a change to Career Candidate after the employee has served at least two years overseas and received annual evaluations for that period of service. If there is an Agency need for the appointee's specialty, the appointee must be given a new five-year appointment as a Career Candidate. Normally, the newly appointed Career Candidate shall not be reassigned to USAID/W, but will be expected to complete the current overseas tour.

A Non-Career employee at the FS-01 level, requesting a change to Career Candidate status must change at the FS-02 level.

If the first request for a change is denied because there is no Agency need for the Non-Career appointee's specialty, the Non-Career appointee may request reconsideration after one year.

E415.5.8 Change in Limited Appointment

a. All requests to change from Non-Career to Career Candidate appointments must be submitted, in writing, to the Chief, M/HR/POD, for review and consideration.

b. M/HR/POD, in consultation with M/HR/PPIM, decides whether a continuing requirement exists overseas for the skills of the employee making the request. If a need exists, the procedures indicated below must be followed:

- 1) A TRC is convened to conduct a paper review of the Non-Career employee's application to determine the employee's potential to serve effectively as a USAID career FS officer;
- 2) The TRC reviews the applicant's personnel file, to include records of academic achievement and work experience, performance evaluations, and other pertinent documentation, as part of the assessment;
- 3) The TRC submits recommendations, in writing, to the Chief, M/HR/POD, who decides whether to approve the recommendation; and
- 4) Employees approved are converted to Career Candidate and given new five-year limited appointments. Employees not approved remain in their Non-Career appointments through the expiration dates, unless terminated earlier by the DAA/M/HR.

415.5.9 TENURING

A CS employee given an initial Non-Career appointment and then converted to Career Candidate shall be reviewed for tenure after one year of service as a Career Candidate. To be eligible, the employee must have served overseas the preceding two years and received AEFs for that period of service. The appointment of a Career Candidate employee not recommended for tenure shall be terminated. **(See ADS 463)**

E415.5.9 Tenuring - N/A

415.5.10 SALARY AND WITHIN GRADE INCREASES

The FS appointment must be effected at the FS class level equivalent to the CS employee's grade and salary or, if an equivalent salary cannot be matched, the salary shall be set at the nearest salary over the present salary. **(See Mandatory References, sections 307, 403, 404 of the FSA of 1980, as amended)**

FS employees are eligible for within-grade increases. **(Mandatory Reference 406 of the FSA of 1980, as amended)**

E415.5.10 Salary and Within Grade Increases - N/A

415.5.11 CLEARANCES

Security Clearance - An individual appointed to the Foreign Service must have a top-secret security clearance. An upgrading and/or revalidation of the employee's current clearance may be necessary before appointment. **(See Mandatory Reference, Executive Order 10450, as amended)**

Medical Clearance - The Medical Director of the Department of State must have decided, before appointment, that employee was examined and found qualified without limitation for assignment to the relevant overseas post. **(See Mandatory Reference, section 904 of the FSA of 1980, as amended and 3 FAM 1900)**

E415.5.11 Clearances - N/A

415.5.12 LANGUAGE REQUIREMENTS

Assignment to a language-designated position shall not be finalized until language proficiency is obtained. A Career Candidate employee must demonstrate a foreign language capability to be certified for tenuring review. An employee with Career FS reappointment eligibility must pass a language test before the reappointment will be effected.

E415.5.12 Language Requirements - N/A

415.5.13 BENEFITS, ALLOWANCES, AND DIFFERENTIALS

CS employees appointed to the FS as Non-Career Candidates retain their CS retirement benefits. **(See HB 30)**

FS Career Candidates are covered by the Foreign Service Pension System (FSPS). **(See HB 30)**

FS Career Employees are covered by the Foreign Service Retirement and Disability System (FSRDS). **(See HB 30)**

Allowances and post differentials are available to all employees appointed under this program. **(See ADS 477)**

Other benefits, e.g., health and life insurance, are available to employees appointed under this program. **(See ADS 476 and 478)**

E415.5.13 Benefits, Allowances, and Differentials - N/A

415.5.14 PERFORMANCE MANAGEMENT, EVALUATION, AND PROMOTION

All employees having FS appointments will be evaluated in accordance with the policies and procedures of the Agency's Employee Evaluation Program. Non-Career employees are not eligible for promotion. **(See ADS 462)**

E415.5.14 Performance Management, Evaluation, and Promotion - N/A

415.5.15 TERMINATION

Termination of an FS limited appointment prior to the established duration of the appointment is governed by Sections 610 and 612 of the FS Act of 1980, as amended. **(See Mandatory References, Sections 610 and 612 of the FS Act of 1980, as amended)**

E415.5.15 Termination

Employees must be advised, in writing, of the intended separation at least 60 days prior to the proposed effective date of the action.

415.5.16 REEMPLOYMENT RIGHTS

A CS employee who accepts a limited appointment, Non-Career or Career Candidate, in the Foreign Service under section 309 of the FSA of 1980 is entitled, upon the expiration or termination of the limited appointment, to be reemployed in that employee's former position or in a corresponding position at the same grade level. **(See Mandatory References, Section 310 of the FS Act of 1980, as amended, 22 USC 3950, and 5 USC 3597)**

Reemployment at a higher grade than the former position is subject to competition under the Agency's Promotion and Internal Placement Program outlined in ADS 418. **(See ADS 418)**

If the reemployment of the return USAID employee requires a reduction-in-force (RIF), the employee is placed on the RIF retention register appropriate to the position that the employee held immediately before entering the Foreign Service. **(See ADS 412)**

An employee waives reemployment rights upon accepting a position in any Federal agency other than USAID, accepts a career Foreign Service appointment, or fails to exercise reemployment rights within 30 days from the termination date of the limited Foreign Service appointment. **(See ADS 412)**

Upon reemployment, salary must be figured in accordance with the maximum payable rate rules stated in 5 CFR 531. **(See Mandatory Reference, 5 CFR 531)**

E415.5.16 Reemployment Rights

Upon being notified of the pending termination of the employee's limited Foreign Service appointment with USAID, employees must update their employment record at the time they apply for reemployment. An Optional Application for Federal Employment, OF-612, may be used for that purpose.

An employee has 30 days from the termination of his/her limited Foreign Service appointment to submit an application for reemployment.

M/HR/POD or M/HR/EM notifies the employee promptly if the employee's application for reemployment is denied. The written notice includes a statement of the basis for the decision and the employee's right of appeal.

The appeal must be made within 15 calendar days after the employee receives the agency decision or after the time limit on reemployment expires.

Additional information on the reemployment of employees covered under this chapter is located in ADS 412. **(See ADS 412)**

415.6 Supplementary Reference - N/A

415.7 Mandatory References

ADS 412
ADS 418
ADS 462
ADS 463
ADS 476
ADS 477
ADS 478

Agreement to Continue Service: **Conditions of Employment for Career Foreign Service Employee**

Agreement to Continue Service: **Conditions of Employment for Time-Limited**

Effective Date: 10/08/1999

Agreement to Continue Service: **Conditions of Employment for Time-Limited Foreign Service Non-Career Employee Assigned to an Overseas Mission**

5 CFR 531

Executive Order 10450

3 FAM 1900

Foreign Service Act of 1980, amended sections 301, 306, 307, 309, 310, 403, 404, 406, 610, 612, 812, and 904

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SF-171

5 USC 3597
22 USC 3950

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Glossary Terms for 415

Annual Evaluation Form (AEF)

The form used for evaluating performance under the Employee Evaluation Program. (See ADS 462). (Chapter 415)

*Backstop

Numeric code used to identify the skill category of a particular position. (Chapter 415)

*Career appointment

An appointment in the Foreign Service without a time limitation. (Chapter 415)

*Career Candidate

An employee hired for a time-limited appointment that is intended to lead to a full career with the Agency. (Chapters 415, 468)

*Non-Career employee

An employee hired for a time-limited appointment that requires skills linked to short-term USAID Foreign Service overseas staffing needs. (Chapter 415)

*Reemployment Rights

Rights of an employee to return to an agency after detail, transfer, or appointment to another Executive agency during an emergency; an international organization; or other statutorily covered employment, e.g., time-limited FS appointment in USAID, the Peace Corps. (Chapter 415)

Technical Review Committee (TRC)

A Committee convened by the Chief, M/HR/POD, to review technical qualifications, make assessments, and recommend appointments of CS applicants to the Foreign Service. The Committee comprises an Foreign Service (FS) Chairperson holding the rank of at least FS-01, two officers, normally FS, who are experts in the technical specialty of the position to be filled and no lower than Class FS-02, a representative (voting) from M/HR/POD with knowledge of the position, and a non-voting representative of the Office of Equal Opportunity Programs (EOP). (Chapters 415, 459, 468)